

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

ORLANDO BAEZ,)	
)	2:17cv1375
Plaintiff,)	Electronic Filing
)	
v.)	Judge David Stewart Cercone
)	Magistrate Judge Lisa Pupo Lenihan
DR. BYUNGHAK JIN, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MEMORANDUM ORDER

Orlando Baez (“Plaintiff”) is an inmate formerly incarcerated at the State Correctional Institution at Greene. He initiated the instant *pro se* prisoner civil rights action in the Court of Common Pleas of Greene County and it was removed to this Court by counsel for the Department of Corrections on October 24, 2017. (ECF No. 1.) In accordance with the Magistrate Judge’s Act, 28 U.S.C. § 636(b)(1), and Rules 72.C and 72.D of the Local Rules of Court, all pretrial matters were referred to United States Magistrate Judge Lisa Pupo Lenihan.

Plaintiff filed an Amended Complaint (ECF No. 7), a Second Amended Complaint (ECF No. 19), and a Third Amended Complaint (ECF No. 34). In his Third Amended Complaint, he alleges that Defendants, both correctional and medical personnel employed at the State Correctional Institution at Greene, violated his rights under the First Amendment to the United States Constitution by failing to provide him with adequate medical care for his serious medical conditions in retaliation for filing grievances and lawsuits.

The DOC Defendants, Corrections Officer Robert Derry, Registered Nurse Rick Frazer, Lt. Scott George, Sgt. Terry Harouse, and Licensed Practical Nurse Louis King filed a Motion Summary for Judgment on April 29, 2019 (ECF No. 105), Defendant Dr. Robert Valley filed a Motion for Summary Judgment on April 29, 2019 (ECF No. 112), and Medical Defendants, Dr. Laurence Alpert, Byunghak Jin, M.D., Min Hi Park, M.D., Paul Dascani, M.D., Esther Mattes,

P.A., and Eldon Mwaura, P.A. filed a Motion for Summary Judgment on May 5, 2019 (ECF No. 116). In a Report and Recommendation issued on January 29, 2020 (ECF No. 152), the Magistrate Judge recommended that the above Motions for Summary Judgment be granted. The Report and Recommendation was served on the parties and Plaintiff was told that the deadline for filing written objections was February 18, 2020. Plaintiff filed Objections on February 24, 2020.

After a comprehensive *de novo* review, the following Order is now entered.

AND NOW, this 2nd day of March, 2020;

IT IS HEREBY ORDERED that the R&R of the Magistrate Judge dated February 24, 2020 (ECF No. 152) is adopted as the Opinion of the Court.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by DOC Defendants, Corrections Officer Robert Derry, Registered Nurse Rick Frazer, Lt. Scott George, Sgt. Terry Harouse, and Licensed Practical Nurse Louis King, (ECF No. 105) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Defendant Dr. Robert Valley (ECF No. 112) is **GRANTED**.

IT IS FURTHER ORDERED that the Motion for Summary Judgment filed by Medical Defendants, Dr. Laurence Alpert, Byunghak Jin, M.D., Min Hi Park, M.D., Paul Dascani, M.D., Esther Mattes, P.A., and Eldon Mwaura, P.A. (ECF No. 116) is **GRANTED**.

AND IT IS FURTHER ORDERED that Final judgment pursuant to Rule 58 is hereby entered in favor of Defendants, and against Plaintiff, Orlando Baez. The Clerk shall mark this case closed.

s/ David Stewart Cercone
David Stewart Cercone
Senior United States District Judge

cc: Orlando Baez
CB 3721

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